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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Getsin, et al.
Appln. No.:	09/488,614
Filed:	January 20, 2000
Title:	SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR A SCHEDULER COMPONENT IN A MULTIMEDIA SYNCHRONIZATION FRAMEWORK
Examiner:	Ma, Johnny
Group Art Unit:	2614
Customer No.:	22242
Conf. No.:	4713

**DECLARATION PURSUANT TO 37 C.F.R. 1.131 OF
EVGENIY M. GETSIN AND TODD R. COLLART**

Hon. Commissioner for Patents

Washington, D.C. 20231

Sir:

We, Todd R. Collart and Evgeniy M. Getsin, declare as follows:

1. We, at the time of the invention, were employees of INTERACTUAL TECHNOLOGY, Inc., the current recorded Assignee of the subject matter of U.S. Patent Application No. 09/488,614.

2. We are the inventors of the invention as variously described and claimed in U.S. Patent Application No. 09/488,614.

3. We declare that the method covered by the pending claims of U.S. Patent Application No. 09/488,614, specifically independent claim 19, was manufactured and tested prior to June 15, 1999. We also declare that at least prior to June 15, 1999, we

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recognized the inventive aspects of the claimed method for providing a scheduler object and that the claimed method would work for its intended purpose.

4. We note that all dates present on the exhibits attached hereto have been blacked out as pursuant to MPEP 715.07(II); however, we declare that all blacked out dates are dates prior to June 15, 1999.

5. Attached as Exhibit A is a copy of an online article entitled "Editorial: Behind the Scenes of the RONIN Online Event" discussing an online event scheduled by MGM on a date prior to June 15, 1999. The article discusses this online event, where the director of the film "Ronin" will address a selection of questions previously submitted by owners of the "Ronin" DVD during a live session. Additionally, the director will provide his perspective on scenes from the film as users simultaneously experience these scenes from the "Ronin" DVD.

6. We declare that the online event discussed in Exhibit A did in fact occur on a date prior to June 15, 1999, and that the claimed method for providing a scheduler object was utilized at the online event.

7. Attached as Exhibit B is a copy of source code used during the Ronin online event referenced in Exhibit A. The source code shown in Exhibit B implements the claimed method for providing a scheduler object.

8. We declare that the step of "determining a start time of a simultaneous of a simultaneous event" is met by the source code on page 34, line 46 and page 35, lines 13-14 of Exhibit B. Specifically, the "startEvent = timeData" and "if (startEvent < stopEvent && (time + CTimesSpan (threshold)))" portions of the code demonstrate a reduction to practice of "determining a start time of a simultaneous of a simultaneous event."

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9. We declare that the step of "receiving a request prior to the start time from a client apparatus to take part in the simultaneous event" is met by the source code on page 3, lines 22-33 and page 35, lines 27-33 of Exhibit B. Specifically, an http server maps the received request to a function to be executed in accordance with standard http server operations. Upon receipt of the request the "BEGIN_PARSE_MAP" interprets the received request and begins execution of the code functions; and the "while (time < startEvent)" function is called (page 35, line 27) that verifies the request is received prior to the start time.

10. We declare that the step of "sending a command to the client apparatus...if the request is received during a predetermined threshold period, wherein the command relates to starting the simultaneous event on the client apparatus" is met by the source code on page 34, line 43, page 35, line 7, and page 35, lines 13-14 of Exhibit B. Specifically, the "player->sendcommand(dvdCmd)" portion of the code demonstrates "sending a command to the client apparatus...wherein the command relates to starting the simultaneous event on the client apparatus." Additionally, the "pLayer->get_threshold(&threshold)" and "if (startEvent < stopEvent && (time + CTimesSpan(threshold)))" portions of the code demonstrates the claimed "if the request is received during a predetermined threshold period."

11. We declare that the step of sending a command to the client apparatus "in response to receiving the request from the client apparatus" is met at page 4, lines 16-38, page 24, lines 11-28, page 22, line 43 through page 23, line 4, and page 34, line 12 through page 35, line 34 of Exhibit B. These portions of code are executed after receiving the request from the client apparatus and before sending a command to the client apparatus. Specifically, the "CSynchronizerExtension::GetExtensionVersion" function is called in response to the received request (page 4, line 16); the "start" function is called (page 4, line 31) and is executed (page 24, line 11); the "threadfunction" function is called (page 24, line 17) and is executed (page 22, line 42); the "StartThread"

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function is called (page 23, line 1) and is executed (page 34, line 12); and the "handler" function is called (page 34, line 17) and is executed (page 34, line 24).

12. The claimed method utilized at the online event referenced in Exhibit A and implemented by the source code shown in Exhibit B is the same method that we have invented. Thus, prior to June 15, 1999, we fully appreciated the utility of the claimed method for providing a scheduler object and that it would work for its intended purpose.

13. We have reviewed the pending claims of the present application, and in particular, we have reviewed independent claim 19 in view of the event described above in Exhibit A and the source code shown in Exhibit B. Therefore, we declare that a method for providing a scheduler object meeting the elements of independent claim 19 in U.S. Patent Application No. 09/488,614 physically existed prior to June 15, 1999 and that this method for providing a scheduler object worked for its intended purpose and that the invention was appreciated prior to June 15, 1999.

14. As we are advised we must, we hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

Date Evgeniy M. Getsin

Date Todd R. Collart

Attachments: Exhibits A and B

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